

## REPORT

*Of the Committee on the Public Lands on the petition of Alexander Macomb.*

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JANUARY 20, 1824.

Read, and ordered to lie upon the table.

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The Committee on the Public Lands, to whom was referred the petition of Alexander Macomb,

### REPORT:

Your committee, on the examination of the petition and documents submitted by the petitioner, do not find any evidence in addition to that submitted to the Committee on the Public Lands at the last Session of Congress. The committee have also examined the report made on this petition at the last Session, and are entirely satisfied with the decision and report of that committee; to which report they beg leave to refer.

Your committee recommend the adoption of the following resolution:  
*Resolved*, That the prayer of the petitioner ought not to be granted.

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*Report of the Committee on the Public Lands on the petition of Alexander Macomb.*

JANUARY 28, 1823.

Read, and ordered to lie upon the table.

The Committee on the Public Lands, to whom was referred the petition of Alexander Macomb,

### REPORT:

Previously to the adoption of the system now in existence, in relation to the mode of disposing of the public land, Congress, by a resolution of the 1st of April, 1787, directed the Board of Treasury, after drawing for a quantity of lands assigned to the army of the Revolution, to expose the residue of a tract of country, now within the state of Ohio, at public auction, giving notice of such sale, in at least one newspaper in each state, for five months anterior to the time of sale. One-

third of the purchase money, by that resolution, was required to be paid immediately, in any of the public securities of the United States, to the Treasurer of said States; and the remaining two-thirds, in like manner, to be paid in three months after the date of the sale. A condition of the sale, of which public notice was also given, was, that if the remaining two-thirds were not paid within the time prescribed, the first payment was declared to be forfeited, and the land directed to be again exposed to sale. In pursuance of this resolution, a quantity of land was sold, at the Coffee House in the city of New-York, between the 21st of September and 9th of October, 1787, when Mess. Macomb & Edgar became the purchasers of the quantity of 35,457 acres, for the sum of \$88,764  $\frac{39}{90}$ , of which they immediately paid in the public securities one-third, amounting to about the sum of \$29,782  $\frac{65}{8}$ , agreeably to the conditions of the sale. The remaining two-thirds of the purchase money was never paid, in consequence of which the one-third paid was forfeited, and the land reverted to the United States. The object of this application to Congress is, to have the one-third forfeited restored, in any way the most agreeable to the National Legislature. In support of this application, without denying the right to exact the forfeiture, restoration is urged on two grounds. First: the Government, the petitioner alleges, was benefited by the forfeiture, inasmuch as the land, after it had reverted, sold for a much greater sum than had been stipulated to be paid by Macomb & Edgar. Secondly: Their inability to complete the payments arose from their having expended the means of making the payment in building a ship for the China trade, by which the Government received upwards of \$200,000 in revenue, at a time when it was much wanted to meet public demands.

The quantity of lands purchased by two individuals shews, that the intention was to speculate in Western lands; and the statement of the petition, that the failure to meet the payments arose from a desire also to enjoy the profits of the China trade—grasping at too much, they failed in the intended speculation. This class of cases appeals much less forcibly to the generosity of Congress, than another, for which no remedy has been heretofore provided—cases where individuals have purchased solely with a view to settlement, to procure a residence for old age, and a patrimony for their offspring, and whose forfeitures have arisen, not from an attempt to employ their capital more advantageously in other pursuits, but from those vicissitudes in human affairs that can neither be foreseen nor avoided; the acts of an overruling Providence, or a devotion to the service of their country. Fortunately for the Government, the land sold higher at the second sale than the first: had it sold for less, the United States must have sustained the loss, and it is not probable the petitioner would have felt himself under any obligation to have made up the deficiency. It is also true, the Government has received money for which Macomb & Edgar have received no equivalent; but this, independent of a rigid exaction of the terms of the contract, can be considered nothing more than a compensation for the risk and delay attending a second sale,

and a remuneration for the actual expense attending such first and second sale. All cases of forfeited recognizances, bonds, &c. are cases where the individual receives no equivalent; but it would be dangerous to say, in all such cases, the money shall be restored. Your committee can see nothing, either in the nature of this purchase, or the reasons assigned for a failure to comply with the reasonable and well known conditions of the sale, which entitles the petitioner to the interposition of Congress in his favor. We, therefore, recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted.

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To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The petition of Alexander Macomb, of the city and state of New York, (in behalf of himself and the late William Edgar,)

**RESPECTFULLY SHEWETH:**

That, in September, 1787, your petitioner purchased a quantity of land at a public sale made by authority of the then Congress, amounting to about 88,000 dollars. That the tenor of the advertisement under which the said land was sold, was as follows, to wit: That any sum paid on account less than the whole amount of the price of the land purchased, should be forfeited, in case the whole was not paid. That your petitioner did at that time pay into the Treasury of the United States (Michael Hillegas being then Treasurer) about 30,000 dollars in public certificates, which payment is of record in the office of the Register, Mr. Joseph Nourse; but your petitioner did not complete the whole payment, for which reason, the said sum, so paid, was declared forfeited, and for which your petitioner has never received any equivalent, or compensation whatever, and is still without relief.

That, while your petitioner admits the right of forfeiture, agreeably to the tenor of the public sale, yet he respectfully submits to your honorable body, that he thinks himself equitably entitled to have the sum forfeited restored to him, for the reasons following, to wit:

That, by a subsequent sale of the said land, the United States received for the same double the sum for which it had been purchased by your petitioner, as aforesaid, which will appear by reference to the Register, Mr. Nourse; so that, by the failure of your petitioner, to make good his payment, the United States actually gained many thousand dollars.

That the true cause of your petitioner's not paying the full amount of the said purchase of land, redounded to the farther and greater advantage of the United States, in the manner following, to wit:

Your petitioner had caused to be built for the trade to China, the ship America, of nearly 600 tons burthen, the largest ship at that time in that trade, from this port, the building and outfit of which vessel absorbed all the ready money and funds of your petitioner, and prevented him from fulfilling the payment of his purchase of land aforesaid, but afforded your petitioner the opportunity of paying into the Treasury of the United States, duties on her two voyages, while the property of your petitioner, to the amount of upwards of two hundred thousand dollars—a sum at that period of great moment to the Government.

From all which, so far from the Government suffering injury or loss by your petitioner's not accomplishing the said purchase of land, it doth, on the contrary, appear, and is fully proved, that various and great benefit, and profit, did thereby accrue to the United States.

Whereupon, your petitioner humbly and respectfully prays your Honorable Body will take his peculiar case into consideration, and not permit him to be a sufferer by acts which, instead of injuring, have specially been a service to the Government.

Your petitioner, thus referring your honorable body to this honest and true statement of his hard case, and throwing himself on the justice of Congress, doth respectfully pray, that the moneys paid by your petitioner, and declared to be forfeited, may be restored to him, and repaid by placing his certificates on the funding system, or an equivalent be awarded him, by grant of such other relief as your honorable body, in its justice and wisdom, may devise.

And your petitioner will ever pray, &c.

ALEX. MACOMB.

*New York, December 18, 1823.*

Michael Hillegas, Treasurer, his account of public securities, arising from the sales of Western lands, and other public property, Dr. to profit and loss account on the sales of Western lands, the property of the United States, (in Public Securities,)

For twenty-nine thousand seven hundred eighty-two dollars sixty-five-ninetieths  $\frac{7}{8}$  profit to the United States, thus arising:

There were sales made to Messrs. Macomb & Edgar, merchants of New-York, certain lots, as appear particularly by the schedule of sales made at the Coffee House, in the city of New-York, from 21st September to 9th October, 1787, amounting to 35,457 acres; purchase money, with fees for surveying, being 88,764  $\frac{39}{80}$  dollars. The terms of sale were, one-third immediate payment, and two-thirds in three months after the day of sale; on failure of which last payment, the first became a forfeit, and the land to be again exposed to sale. Those gentlemen having failed in their second payment, the first, as per statement

by the accountant, becomes forfeited, and this entry to profit and loss account is made pursuant to the official statement thereof, being

29,669 68.7

Also, for so much in small payments  
overpaid -

112 87

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29,782 65. $\frac{7}{8}$  Public Securities,

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TREASURY DEPARTMENT,  
*Register's Office, 7th March, 1811.*

I certify the above to be a true extract from Journal, page 1861,  
under date of the 16th March, 1789.

JOSEPH NOURSE, *Register.*



*SCHEDULE of the Sales of Lands to Messrs. Edgar & Macomb, in the Western Territory of the United States, at public auction, at the Coffee House in the city of New York, on account whereof the United States received \$29,782 65 $\frac{1}{2}$ , (in certificates of public debt,) which, by the terms of sales, became forfeited to the United States.*

Range.	Town'p.	Lot.	Acres.	Price.	Amount.			Amount.		Total amount.	Resold at.
					Pounds.	Shillings	Pence.	Dollars	90ths.		
				s. d.							
2	3	24	640	16 0	512			1280			\$2 00
2	3	26	640	10 0	320			800			SE. NE. SW. qrs. 2 00
2	3	29	640	8 0	256			640			2 00
2	3	31	640	8 0	256			640			N $\frac{1}{2}$ 2 00
2	3	32	640	8 0	256			640			2 00
2	5	5	640	16 7	530	13	4	1326	60		NW. $2\frac{2}{100}$ SE. 2 26
2	5	6	640	16 4	522	13	4	1306	60		2 00
2	5	7	640	20 0	640			1600			Unsold.
2	5	23	640	8 0	256			640			2 00
2	5	24	640	8 0	256			640			2 00
2	5	25	640	8 0	256			640			2 00
2	5	27	640	8 0	256			640			2 00
2	5	28	640	8 0	256			640			2 00
2	5	32	640	8 0	256			640			2 00
2	5	33	640	8 0	256			640			2 00
2	5	34	640	8 0	256			640			2 00
2	5	35	640	8 0	256			640			2 00
2	5	36	640	12 0	384			960			2 00

2	6		19,840	8 0	7936
2	7	3	640	8 0	256
2	8		19,686	8 0	7874
2	9	13	640	8 0	256
2	9	14	640	8 0	256
2	9	19	640	8 0	256
2	9	20	640	8 0	256
3	6	18	640	8 0	256
3	6	30	640	8 2	261
3	6	36	640	8 0	256
3	7		19,840	10 3	10,168
3	8	6	640	8 0	256
4	1	24	640	17 3	552
4	1	34	636	20 0	636
					77,412

## Surveying

19,840	
640	
19,686	
640	
640	
640	
640	
640	
653	31
640	
25,420	
640	
1380	
1590	
88,642	61
121	68

88

764

39

See A, on the other side.

~~\$~~2 00

See B, on the other side.

**\$2 00**

2 00

2 00

**Unsold.**

2 00

2 00

2 00

Sold at Steubenville.

2 00

**Sold at Marietta.**

**Unsold.**

## A.

Lots No. 4, 5, 6, 10, 11, 12, 17, and 18, at \$2, sold at Pittsburg.

Lots 1, 2, 3, 7, 8, 9, 14, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and NE. SE. and SW. quarters of 36, at \$2. Lot No. 13 sold at \$2 02; all sold at Steubenville.

## B.

Lots 3, 7, 8, 9, 13, 14, 19, sold for \$2 per acre, at Pittsburg.

N  $\frac{1}{2}$  and SW  $\frac{1}{4}$  of lot 1, sold at \$2 00

W  $\frac{1}{2}$ , NE  $\frac{1}{4}$  of do. 2, 2 00

4, 2 00

5, 2 00

Fractional 6, 2 00

10, 2 00

11, 2 00

N  $\frac{1}{2}$  and SE.  $\frac{1}{4}$  of lot 12, 2 00

SW  $\frac{1}{4}$  17, 3 42

SE. 17, 2 00

18, unsold.

20, 2 00

S  $\frac{1}{2}$  23, 2 00

24, 2 00

25, 2 00

26, 2 00

S  $\frac{1}{2}$  and NW  $\frac{1}{4}$  27, 2 00

28, 2 00

E  $\frac{1}{2}$  29, 2 00

30, 2 00

SW  $\frac{1}{4}$  31, 2 20

N  $\frac{1}{2}$  and SE  $\frac{1}{4}$  31, 2 00

NE. and SW. 32, 2 00

NE. 33, 2 00

S  $\frac{1}{2}$  34, 2 00

35, unsold.

36, do.

Sold at Steubenville.